

May 11, 2011

TO: Teresa Parsons, SPHR
Director's Review Program Supervisor

FROM: Kris Brophy, SPHR
Director's Review Program Investigator

SUBJECT: Anh Phu v. Department of Licensing (DOL)
Allocation Review Request (ALLO-10-048)

Director's Determination

A management-initiated position review was conducted on Ms. Phu's position based upon an updated Position Description form received by the DOL Human Resources Office (DOL-HR) on June 2, 2010. As the Director's designee, I carefully considered all of the documentation in the file, including the exhibits presented during and after the Director's review conference, and the verbal comments provided by both parties. Based on my review and analysis of Ms. Phu's assigned duties and responsibilities, I conclude her position is properly allocated to the Office Assistant 3 classification.

Background

Ms. Phu's position is assigned to the Sellers, Wreckers, Abandoned Vehicle, Total Loss (SWAT) unit. This position review was based on a management-initiated request to review the work performed by Ms. Phu and other co-workers in order to develop a justification to recruit and fill a vacant position within the unit during a statewide hiring freeze.

Ms. Phu signed an updated Position Description Form (PDF) on May 27, 2010. Ms. Burdick signed the supervisor's portion of the form on May 27, 2010. On June 2, 2010, DOL-HR received an updated Position Description Form for Ms. Phu's position (Exhibit B-4). On July 27, 2010, Ms. Krismer-Harada met with Ms. Phu to review and discuss her duties and responsibilities.

By letter dated August 12, 2010, DOL notified Ms. Phu that her position was being reallocated to the Office Assistant 3 (OA3) class, effective August 16, 2010. (Exhibit B-3).

On September 10, 2010, the Department of Personnel received Ms. Phu's request for a Director's review of DOL's allocation determination (Exhibit A-1). In her letter, Ms. Phu asked that her position remain allocated to the Customer Service Specialist 2 classification.

On February 25, 2010, I conducted a Director's Review conference. Present during the conference were Anh Phu; Judy Lumm, WFSE Counsel; Diane Christie, Human Resources Services Manager for DOL; Shelby Krismer-Harada, Human Resources Consultant for

DOL; Rebecca Burdick, SWAT Office Support Supervisor 2 and Ms. Phu's supervisor; Jennifer Dana, Vehicle Records Assistant Administrator; and Glenn Ball, Programs and Services/Systems and Licensing Support Administrator at DOL.

The parties submitted additional information following the review telephone conference. The last information was received on March 30, 2011. This information has been added to the record and incorporated as exhibits to the file.

Rationale for Director's Determination

The purpose of a position review is to determine which classification best describes the overall duties and responsibilities of a position. A position review is neither a measurement of the volume of work performed, nor an evaluation of the expertise with which that work is performed. A position review is a comparison of the duties and responsibilities of a particular position to the available classification specifications. This review results in a determination of the class that best describes the overall duties and responsibilities of the position. Liddle-Stamper v. Washington State University, PAB Case No. 3722-A2 (1994).

Duties and Responsibilities

Ms. Phu's position receives, prepares and processes monthly wrecker/scrapper reports for the Sellers, Wreckers, Abandoned Vehicle, Total Loss (SWAT) program for DOL.

The Position Purpose on the PDF states the following:

This position is responsible for updating vehicle records with appropriate information regarding wrecker/scrap processor destroyed information and advising wreckers/scrap processors and customers of proper procedures and compliance with state laws. This includes prepping all incoming documents appropriately to be scanned by another unit. Make decisions to resolve complaints, inquiries, and customer service problems from licensed vehicle licensing offices and internal staff related to the reporting of destroyed vehicle state laws, rules, policies and procedures. This position is also responsible for updating online user information; requesting password resets and updating any changes related to the online account. This position serves as a lead on a weekly rotation schedule; duties include reporting workload status and staff attendance, sorting and distributing daily incoming mail, and scanning returned unclaimed titles into computer system to update vehicle record accordingly.

Rebecca Burdick, Office Support Supervisor 2, is Ms. Phu's supervisor. Ms. Burdick signed the PDF, indicating the description of work accurately reflects Ms. Phu's assigned duties and responsibilities. (Exhibit B-4)

The PDF lists the essential functions for Ms. Phu's position as follows:

- 60% Update vehicle records to show wrecker/scrap processor status using monthly reports from licensed wrecker/scrap processor companies. This requires speed and accuracy typing and utilizing 10 key simultaneously. Reports need to be prepped accurately for Imaging. This includes making copies, pulling staples, mending tears, and sorting documents in order according to monthly reports. All reports must also be verified; ensuring compliance with laws, rules, policies, and procedures.
- 10% Respond to daily phone, fax, and written inquiries regarding the wrecker/scrap processor reporting process and vehicle status from the general public, insurance companies, wreckers, scrap processors, local vehicle licensing offices and/or internal customers. Resolve customer complaints and problems using specialized technical knowledge, skills and independent judgment. Notify Dealer Services when wrecker/scrap processors are out of reporting compliance.
- 5% Prepare monthly reports for vehicles reported by owner or out of state wrecker/scrap processors. This includes filling out report and updating all vehicle records to show destroyed status. The reports must also be prepped for Imaging. This includes making copies, pulling staples, mending tears, and sorting documents in order according to monthly reports.
- 5% In a team environment, continually cross-train with other sections in the unit to learn individual processes and keep up on current regulations for sellers reports, insurance companies and abandoned vehicle to ensure accurate responses are given and vehicle or vessel records are updated accurately when performing back-up duties.
- 5% Update online wrecker destroyed user accounts. This includes requesting operator numbers and passwords from another unit and relaying the information when received. Troubleshoot computer application problems utilizing knowledge of system and requirements.
- 5% Maintain current knowledge of laws, rules, policies and procedures regarding wrecker/scrap processor reporting to ensure accurate interpretation is given when oral or written inquiries are received by general public, wreckers, scrap processors, local vehicle licensing offices and/or internal customers.

The remaining duties and responsibilities assigned to Ms. Phu's position include serving as a lead worker on a weekly rotation schedule, sorting and distributing daily incoming mail and scanning returning unclaimed titles into computer system to update vehicle records (2%); act as back-up answering phone calls for Abandoned Vehicles (2%); training other personnel on wrecker destroyed vehicle laws (2%); and other duties totaling 4% of her time.

Summary of Ms. Phu's Perspective

Ms. Phu asserts the majority of her work involves providing customer service to her clients. Ms. Phu indicates that she has been working in the same position as a Customer Service Specialist 2 for over fourteen years. She asserts the Wrecker-Destroyed desk is responsible

for responding to all requests, customer inquiries, and resolving problems related to wrecker-destroyed vehicles.

Ms. Phu asserts she serves as a point of contact for vehicle program staff, provides information and assistance to staff from various vehicle divisions who uses her expertise to research and resolve problems so customers can license their vehicles. She asserts she handles customer inquiries and complaints, and she resolves problems using specialized technical knowledge, skills and independent judgment.

Ms. Phu asserts her position provides customer service and performs similar work to another employee working on the Insurance Destroyed Desk who is currently allocated as a Customer Service Specialist 2.

In total, Ms. Phu contends the Customer Service Specialist 2 is the appropriate classification for her position.

Summary of DOL's Reasoning

DOL asserts the majority of Ms. Phu's duties are routine and clerical in nature. DOL asserts its requirement that documentation must be provided to support a vehicle record change has evolved into a primarily clerical process. DOL asserts Ms. Phu spends approximately 60% of her time separating, preparing, and processing vehicle information for the agency's Vehicle Headquarters (VHS) system. DOL recognizes her knowledge and experience and customer service skills but contends the majority of her work is clerical in nature.

DOL asserts the assistance she provides is more process-oriented rather than customer service specialist work. DOL acknowledges Ms. Phu provides customer service, however DOL asserts providing process information or relaying data doesn't fully address the Customer Service Specialist 2 requirements for conducting analysis, using applied judgment or having the authority to offer options or solutions to resolve customer problems, complaints or issues.

DOL acknowledges Ms. Phu is a highly valued employee and performs her duties well. However, based on the overall duties and responsibilities assigned to Ms. Phu's position, DOL believes the Office Assistant 3 classification is the proper allocation for her position.

Comparison of Duties to Class Specifications

When comparing the assignment of work and level of responsibility to the available class specifications, the class series concept (if one exists) followed by definition and distinguishing characteristics are primary considerations. While examples of typical work identified in a class specification do not form the basis for an allocation, they lend support to the work envisioned within a classification.

Comparison of Duties to the Customer Service Specialist series

The Customer Service Class Series Concept indicates the following:

Positions in this series provide assistance and problem resolution to agency clients/customers and are located in a designated customer service program. The intent of the series is to assist clients/customers in identifying agency processes and procedures, resolving client/customer problems related to agency programs and interpreting agency related laws, policies and procedures. Positions at all levels may be assigned lead or supervisory responsibility over lower level staff.

This series is not clerical in nature. Clerical support duties are incidental to the total work assignment (less than 10%). Clerical support, for the purposes of this series, includes tasks such as maintaining filing systems, maintaining logs, updating computer or manual data systems, office and telephone reception, completing office forms, compiling and completing recurrent reports, performing routine typing, copy work and preparing mailings.

This occupational category is considered a technical occupational category. Positions assigned to this occupational category have authority to accept, grant or deny agency services or may mediate between the business of the agency and the client (example: Attorney General's Consumer Protection Unit). Some positions may train and provide leadership to volunteers.

This series describes positions which work in a designated customer service program, providing assistance and problem resolution to clients and customers generally across a broad spectrum of agency-wide services or programs. Incumbents in this series assist in identifying agency processes and procedures, resolving problems related to agency programs and interpreting agency related laws, policies and procedures. This is supported by the typical work statement for the first level class in the series which states incumbents, "respond to questions on all agency programs and how to access agency services."

Comparison of Duties to Customer Service Specialist 2

The Definition for Customer Service Specialist 2 (CSS 2) states:

Independently resolves complaints, inquiries and client/customer service problems while maintaining appropriate confidentiality. Provides agency interpretation and applies knowledge of laws, regulations, and processes in the resolution of inquiries, complaints and problems.

Although examples of typical work identified in a class specification do not form the basis for an allocation, they lend support to the work envisioned within a classification. The CSS 2 typical work statements include the following:

- Acts as liaison between clients/customers and agency; gives presentations and offers assistance to other State and Federal agencies;
- Independently resolves client/customer problems by identifying the issues, determining procedural steps necessary to bring resolution, working with program staff to implement resolution, and communicating results to the client/customer;
- Creates and manages customer profiles and maintains integrity of the data and information while delivering specialized services.

Ms. Phu's duties and responsibilities do not reach the requirements of this class. Ms. Phu does not work in a designated customer service center. Ms. Phu works in the specialized SWAT unit. The primary focus of her position is updating vehicle records with appropriate information from wrecker/scrapper reports, and advising wreckers/scrap processors and the public regarding proper procedures and compliance with state laws. A portion of her work involves providing direct customer service to customers and clients in order to provide information and resolve problems for those who may call or email with questions about the wrecker/scrapper reporting process and other SWAT unit services.

The majority of her work assignments involve accurately preparing on a daily basis a high volume of wrecker/scrap processor monthly reports, along with supporting information for imaging. She is responsible for verifying wrecker reports for completeness and accuracy, sending the forms back when information is incomplete or missing, and entering and updating information into the system. The primary focus of her position, and the majority of duties performed, are primarily clerical in nature. This does not align with the Customer Service class series concept which states positions allocated to this series do not perform clerical support duties the majority of the time. Rather, clerical duties are incidental to the total work assignment (less than 10%).

Additionally, while there is a customer service component to the work Ms. Phu performs which may be similar to other positions which are allocated to the CSS 2 class, the Personnel Resources Board (PRB) has previously held that "[w]hile a comparison of one position to another similar position may be useful in gaining a better understanding of the duties performed by and the level of responsibility assigned to an incumbent, allocation of a position must be based on the overall duties and responsibilities assigned to an individual position compared to the existing classifications. The allocation or misallocation of a similar position is not a determining factor in the appropriate allocation of a position. Byrnes v. Dept's of Personnel and Corrections, PRB No. R-ALLO-06-005 (2006), citing Flahaut v. Dept's of Personnel and Labor and Industries, PAB No. ALLO 96-0009 (1996).

While Ms. Phu provides a level of customer service in support of her overall function, the overall focus of her position involves performing clerical duties in support of updating vehicle records regarding the status of wrecked/scrapped vehicles. Therefore, the CSS 2 is not the best classification for the duties and responsibilities assigned to her position.

Comparison of duties to Office Assistant 3

The Office Assistant Class Series Concept indicates that positions perform "a variety of clerical duties in support of office or unit operations."

The Definition for Office Assistant 3 states:

Under general supervision, independently perform a variety of complex clerical projects and assignments such as preparing reports, preparing, reviewing, verifying and processing fiscal documents and/or financial records, composing correspondence such as transmittals and responses to frequent requests for information, establishing manual or electronic recordkeeping/filing systems and/or data base files, and responding to inquiries requiring substantive knowledge of office/departmental policies and procedures. Positions may perform specialized complex word processing tasks in a word processing unit or complex rapid data inquiry and/or entry functions.

The Distinguishing Characteristics for Office Assistant 3 include the following:

Assignments and projects are of a complex nature. Independent performance of complex clerical assignments requires substantive knowledge of a variety of regulations, rules, policies, procedures, processes, materials, or equipment. Problems are resolved by choosing from established procedures and/or devising work methods. Guidance is available for new or unusual situations. Deviation from established parameters requires approval. Work is periodically reviewed to verify compliance with established policies and procedures.

Ms. Phu's position meets the Definition and Distinguishing Characteristics of this class. Ms. Phu works under general supervision and independently performs a variety of complex clerical projects and assignments, which includes preparing reports and preparing, reviewing, verifying and processing documents, which in this case are monthly Wrecker reports. The majority of Ms. Phu's work involves processing information regarding wrecker- and scrap-processor destroyed vehicles. Ms. Phu also assists customers by answering questions related to other unit processes and procedures.

Further, as indicated by the OA 3 class specification, positions also resolve problems and respond to inquiries regarding rules, regulations, policies, department procedures, and department services, and they have substantive knowledge about departmental policies and

procedures. Other OA 3 typical work examples that closely align with Ms. Phu's duties and responsibilities include reviewing documents for completeness, accuracy, and compliance with rules, as well as determining or explaining the action needed to process wrecker-destroyed vehicle records to be in compliance with related laws, rules, policies, and procedures.

It is clear Ms. Phu is a highly-valued employee. A position's allocation, however, is not based on an evaluation of performance or an individual's ability to perform higher-level work. Rather, it is based on the majority of work assigned to a position. In this case, the Office Assistant 3 classification best describes the overall scope of duties and responsibilities assigned to Ms. Phu's position.

Appeal Rights

RCW 41.06.170 governs the right to appeal. RCW 41.06.170(4) provides, in relevant part, the following:

An employee incumbent in a position at the time of its allocation or reallocation, or the agency utilizing the position, may appeal the allocation or reallocation to . . . the Washington personnel resources board Notice of such appeal must be filed in writing within thirty days of the action from which appeal is taken.

The mailing address for the Personnel Resources Board (PRB) is P.O. Box 40911, Olympia, Washington, 98504-0911. The PRB Office is located at 600 South Franklin, Olympia, Washington. The main telephone number is (360) 664-0388, and the fax number is (360) 753-0139.

If no further action is taken, the Director's determination becomes final.

c: Anh Phu, DOL
Judy Lumm, WFSE
Shelby Krismer-Harada, DOL
Lisa Skriletz, DOP

Enclosure: List of Exhibits

Anh Phu v. Department of Licensing (ALLO-10-048)

List of Exhibits

A. Anh Phu Exhibits

1. Anh Phu's Request for Director's Review form, received September 10, 2010.
2. Position Description form for Anh Phu's position, signed May 27, 2010.
3. Position Description form for Anh Phu's position, with a typed date of August 16, 2010 (after reallocation, no signatures).
4. Position Description Form with a typed date of March 16, 2004 (no signatures).
5. DOL allocation determination letter dated September 21, 1999, notifying Ms. Phu her position is correctly allocated as a Customer Service Specialist 2.
6. Reallocation determination letter dated June 30, 1997, notifying Ms. Phu her position is being reallocated from the Clerk Typist to Customer Service Specialist 2.
7. Letter of Appeal (i.e. supporting documentation) from Anh Phu to Department of Personnel, received November 8, 2010.
8. Letter from Anh Phu to Karen Wilcox dated March 7, 2011, submitting five additional exhibits to the appeal:
 1. Letter to Kris Brophy dated March 7, 2011.
 2. Telephone logs from August 23, 2010 through September 10, 2010. (16 pages)
 3. Fax from Copart auto auctions requesting 4T flag. (Includes attached Wrecker Monthly Report)
 4. Restored Vehicle Record request fax from Best Auto Parts, Inc. with attached cover letter and wrecker report. (3 pages)
 5. Letter from Faber and Sons Recycling requesting a correction to a Wrecker Destroyed Report.

B. Department of Licensing Exhibits

October 14, 2010 cover letter and exhibit list (4 pages) from Shelby Krismer-Harada with the following attachments:

1. A copy of the acknowledgement letter from the Director's Review Program dated September 14, 2010 with a copy of the Request for Director's Review form for Anh Phu. (3 pages)
2. Allocation Determination letter from Shelby Krismer-Harada to Anh Phu, dated August 12, 2010.

3. Email from Shelby Krismer-Harada to Anh Phu enclosing a copy of the corrected Allocation Determination letter. (4 pages)
4. Position Description form for Anh Phu (position #70019450) signed May 27, 2010 with attached July 2010 Organization Chart. (7 pages)
5. Job Analysis form for Anh Phu (position #70019450) dated May 27, 2010. (10 pages)
6. A copy of Anh Phu's notes to Shelby Krismer-Harada dated July 27, 2010 with attachments. (5 pages)
7. Handwritten Desk Audit Notes from Shelby Krismer-Harada dated July 27, 2010. (11 pages)
8. Wrecker Desk manual procedures. (15 pages)
9. A list of general calls received for the Wrecker Desk with attached list of common telephone questions. (3 pages)
10. Handwritten desk audit notes from Shelby Krismer-Harada titled "Summary." (2 pages)
11. Handwritten desk audit notes from Shelby Krismer-Harada.
12. HR summary of July 27, 2010 desk audit findings for Anh Phu's Position (#70019450). (2 pages)
13. Position Action Request form to hire non-permanent CSS2 dated October 30, 2009.
14. Position Description Form for Anh Phu signed by supervisor and Glenn Ball dated October 30, 2009.
15. Job Analysis Form for Anh Phu's position (#70019450) dated April 28, 2009.
16. Position Description Form for Anh Phu's position (#70019450) dated April 24, 2007.
17. Class Specification: Office Assistant 1.
18. Class Specification: Office Assistant 2.
19. Class Specification: Office Assistant 3.
20. Class Specification: Customer Service Specialist 1.
21. Class Specification: Customer Service Specialist 2.
22. Email from Karla Laughlin to Shelby Krismer-Harada regarding Position Review Request, dated November 28, 2007.
23. Position Review Request for Julie Knittle's position (#70018681) dated March 24, 2008 with attachments. (9 pages)
24. Duplicate Copy of Exhibit B-16.
25. Email from Shelby Krismer-Harada to Karla Laughlin regarding SWAT positions dated August 21, 2008.

26. Email from Shelby Krismer-Harada to Julie Youmans regarding SWAT Positions dated August 22, 2008.
27. Allocation Determination letter from Shelby Krismer-Harada to Dung T. Lee dated October 20, 2008. (4 pages)
28. Email from Glenn Ball to Diane Christie regarding SWAT research, analysis and recommendations of work unit dated October 30, 2008.
29. SWAT Unit Study Report, dated October 29, 2008. (13 pages)
30. Reallocation Appeal Allo-08-084, Dung Le v. Dept. of Licensing, Office Assistant 3 to Customer Service Specialist 2, Revised Response and Exhibits memorandum from Shelby Krismer-Harada to Karen Wilcox, dated January 27, 2009.
31. Duplicate copy of Exhibit B-16.
32. Director's Review Program determination letter from Teresa Parsons to Tana Gann for Dung Le v. Department of Personnel, (ALLO-08-084), dated February 16, 2010.
33. Email from Rebecca Burdick to Shelby Krismer-Harada regarding Betty McMahan's Position (#70019456), dated July 2, 2010.
34. Email from Glenn Ball to Shelby Krismer-Harada regarding SWAT Positions Desk Audits, dated July 16, 2010.
35. Email from Shelby Krismer-Harada to Glenn Ball regarding SWAT Positions Desk Audits, dated July 21, 2010.
36. Position Action Request form for position #70019456 effective August 2, 2010.
37. Position Action Request form with Appointing Authority approval signature for Position #70019456, received August 19, 2010 by DOL HR.
38. Position Description Form for position for vacant position #70019456 (Betty McMahan), received June 2, 2010 by DOL HR.
39. HR Summary notes of the July 27, 2010 desk audit findings and review of work products. (Duplicate of Exhibit B-12)
40. Job Analysis Record Form for position #70019456 received June 2, 2010 by DOL Hr.
41. DOL Hiring Freeze Exemption Request for position # 70019456, dated August 2, 2010.
42. DOL Hiring Freeze Exemption Request for position # 70019456, dated September 9, 2010.
43. Vehicle Records and Program Management organizational chart dated October 2010.
44. Director's review conference "Opening Comment" notes from Shelby Krismer-Harada.

45. Director's review conference "Summary Comment" notes from Shelby Krismer-Harada.
46. Director's review conference "Closing Comment" notes from Shelby Krismer-Harada.
47. Email with scanned Letter of Response from Shelby Krismer-Harada to Kris Brophy regarding Anh Phu's additional exhibits (i.e. Exhibit A-8) submitted March 7, 2011 to the Director's Review Program, dated March 30, 2011. (3 pages)

C. Director's exhibits

1. DOP Class Specification for Office Assistant 3 (100J).
2. DOP Class Specification for Customer Service Specialist 1 (102A).
3. DOP Class Specification for Customer Service Specialist 2 (102B).